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Controlling the Boom

★ About this time of year we look in at the hearings of the Joint Economic Committee of Congress, which operates as a sort of board of directors for the President's Council of Economic Advisers. It operates in a queer, cork-floored, richly paneled, windowless hideaway, with the light coming from a ceiling made of ice trays, in the upper reaches of the old Capitol, and everybody has a splendid time poring over the annual Economic Report.

Well, it *is* fascinating; the point is, can a vast nation, for about the first time in history, have full employment and *also* price stability? Historically the odds are all against it. A boom is harder to control than pigs at a trough. The President's economists are first-rate men, however. Chairman Ackley has the face of a man you would most want to buy a used car from; he thinks maybe we can do it. If not, the President stands behind the door with the switch of higher taxes.

Budget Director Schultze soberly told the committee that it pays to educate people and keep them healthy; "an investment in human resources," he called it. It was rather striking, we thought, when put in that practical, brutal fashion. He attributed as much as one-third of the growth of US productivity (1929-1957) to increased education. In the last three decades, he said, "schooling has been a larger source of growth than material capital represented by structures, equipment and inventories."

Profound changes are taking place in the national mood, we believe, as reflected in Washington. We regard Vietnam as probably the least popular war in American history. One telltale development is the Republicans' switch toward the war. Previously their line was to out-patrioteer the Democrats. We don't blame them too much; they are in an awful fix numerically, and need everything they can get. But recently it has occurred to them that maybe a tough war line is bad politics. Their sudden shift is significant.

Following a meeting of GOP state chairmen, here are some of the press reports, stemming from a central source. "Vietnam may be giving them a winning issue," Republicans believe, according to Tom Wicker, *NYTimes*. GOP leaders feel that Americans are "becoming increasingly concerned over the threat of a larger war," says Julius Duscha, *Washington Post*.

Joseph Sterne, *Baltimore Sun*, wrote that GOP strategists have deliberately "deescalated" the war. Inconsistent, no doubt, from almost monthly demands in the past from minority leader Jerry Ford for bigger bombing, faster action and a "declaration of war." But what the hell, politics is politics: "It is the hard, practical Republican view that the Democrats must be given plenty of leeway to sink into a political quagmire," quotes Mr. Sterne.

Shocked Senators

★ We were surprised at one thing Mr. Johnson did, a man who knows how easy it is to affront senatorial dignity. A group of 15 peace-bloc Democrats mildly urged him to consider further consultation before resuming bombing. He sent back an unusually curt, tart letter saying that, thanks, he had all the power he needed to do what he wanted from the blank-check congressional resolution, Aug. 10, 1964. This was passed with a whoop when a US destroyer was fired on in Tonkin Bay.

The President's attitude has shocked a lot of senators; men who might normally support him. It has given an oblique point of attack for those who don't like the war but haven't been willing to say so. They never meant to sign away their rights in the 1964 resolution. Secretary Rusk had a severe four-hour grilling, in public, before the Foreign Relations Committee on the issue, and there is talk of other public hearings. Sober men, like Senators Mike Mansfield, George Aiken (D, Vt.), who is a kind of uncle-figure for the Senate, and others discussed the war for two hours on the floor, Jan. 31. (Aiken quoted Gen. Ridgway, former Army Chief of Staff, as telling him: "If we sent two million men into the Vietnam area, they would be swallowed up there.") This may not be a "Great Debate," but it is at last a dialogue.

We could go on like this. The atmosphere is changing. Sending Vietnam to the UN seemed like a spur-of-the-minute affair. Mr. Rusk has always considered it too hot a potato for the UN to handle. A gesture? We suppose so. But a gesture indicating a change of national mood.

Cut to the Bone

★ Mr. Johnson has been throwing special messages at Congress at the rate of three or four a week; most of them, we think, urging worthy causes, and most of them notable for the skimpy budget. The foreign-aid program is cut to the bone, for example, and again it's a matter of taking money from the poor (in this case foreigners) to pay for Vietnam. It doesn't do much good, perhaps, to keep stressing this, but rich nations are getting richer; the poor, poorer. This is bad business for a nation, and it's bad business also for a globe that's getting as small as ours.

A couple of statistics bear on it: the new aid program amounts to only one-half of one percent of America's astonishing gross national product. And at the rate things are going, by the year 2000 America's per capita income (presently $3,000) will be $4,500; that of the 40 poorest developing countries (presently $120; yes, we said $120) will rise to $150. It doesn't sound like a very stable world.

To give the President credit, he has now linked birth control closely with foreign aid. (It's amazing how attitudes have changed on this; we remember a feeling of hopelessness about it just a few weeks ago.) He bluntly emphasizes the need for self-help among the recipients, and tells them that if they want aid on the population problem, we will give it. And no wonder! – "Population growth," he notes, "now consumes about two-thirds of economic growth in the less-developed world."

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So the War Goes On

Debate on Vietnam in the Security Council could do some good even though the UN Secretary General said as recently as January 20 that "no useful purpose" would be served by such debate and that "at this stage" the UN "cannot be involved in the Vietnam conflict." When U Thant spoke this country had not resumed its bombing of North Vietnam, the "peace offensive" launched by President Johnson was still on, and there was hope, however faint, that worldwide but off-the-record talks might turn up a peace formula. That hope having vanished and the bombing having begun again, no alternative to prolonged and increasingly heavy fighting was in sight, unless expressions of condemnation and alarm in the Security Council or the US Congress should give pause to both sides.

The chances are the US would have to listen to some harsh things being said in the UN, which makes all the more mysterious the Administration's sudden decision to approach the Security Council. On January 25, Washington was reported to have rejected such a step on four previous occasions. Its abrupt reversal, one of the more dramatic in recent American history, was done clumsily: to accompany an overture to the Security Council with resumption of the bombing of the North was to ask for trouble. U Thant has himself been a major critic of the bombing, and so of course has Russia, a permanent member of the Security Council as well as co-chairman of the 1954 Geneva Conference. The American switch was as secretive as it was unexpected. Mr. Johnson did not confide his intention to Congressional leaders, with whom he met only a few days earlier; and reportedly he didn't tell U Thant either. "Keep everybody guessing and off balance" seems to have been the President's motto, but to what purpose?

A second mystery is why the President, instead of turning to the Security Council, did not forthrightly propose to all the signatories of the Geneva agreements of 1954 that they reconvene forthwith to discuss ending the war. Mr. Goldberg says the US is willing to "go to Geneva tomorrow" if the others will; and Hanoi says the fighting is a matter for the Geneva conference, not for the UN where neither North Vietnam nor Communist China is represented. Well?

There nevertheless could be a plus value to Security Council discussion, if it were to produce a sharper exposure of American policy in Vietnam than that policy has yet had in this country. For after the millions of words that have been spoken, we still haven't had much more enlightenment from the Administration than Secretary of State

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Rusk's reiteration that peace will descend on that tortured land the moment the North Vietnamese (sometimes it's the Chinese) "leave their neighbors alone." To which the Viet Cong and Hanoi have in effect replied: "You, who are not even our neighbors, should leave *us* alone." Though Mr. Rusk has been repeatedly questioned, by the press at home and abroad and most recently by the Senate Foreign Relations Committee, he has refused to discuss the historic and other roots of a war that has been going on for more than 20 years; even now, therefore, a large number of Americans do not know, have not been told, that they inherited this war from the French. Mr. Rusk was unable to tell the Senators why the US did not sign the 1954 Geneva accords, which the Administration has recently fallen into the habit of saying it has all along been defending. When Senator Gore raised this question, the Secretary answered, as if he were discussing some remote, abstruse point of purely academic interest, that "I have tried to find in the record a full discussion of that, but quite frankly I have failed." One has forcibly to remind oneself that this is the Secretary of State, discussing the origins of a war which if continued on present lines, will produce death and destruction of horrifying size. In the United Nations, it is Arthur Goldberg, not Rusk, who does the talking. Here, he is addressing hostile Russians and Bulgarians and skeptical Frenchmen and Africans. He can't get away with rhetoric about commitments, or with comparing a civil war in Asia to Hitler's march on Czechoslovakia. Thus, whatever the Administration's real motives may have been in taking Vietnam to the Security Council, it may decide, perhaps has decided, that it doesn't want a UN debate after all.

According to Ambassador Goldberg, the US wants "discussions or negotiations without any prior conditions whatsoever or on the basis of the Geneva accords of 1954"; and, "as a first order of business," it is prepared to envisage a ceasefire or "reciprocal reduction of hostilities." Also, the US believes that "the future political structure in South Vietnam should be determined by the South Vietnamese people themselves, through democratic processes, and the question of reunification of the two Vietnams should be decided by the free decision of their two peoples." Finally, "the US remains prepared to withdraw its forces from South Vietnam as soon as South Vietnam is in a position to determine its own future without external interference . . . the US desires no continuing military presence or bases in Vietnam."

It doesn't require an international lawyer to perceive that these fair-seeming statements contain certain ambiguities. Who for instance decides whether and when South Vietnam is in a position to make its own decisions without external interference (and what constitutes external interference)? If the answer is, "the United States," then we're saying we will pull out of South Vietnam when *we* choose, and not before.

Since the Administration does nowadays appear to be stressing the Geneva agreements and to be expressing a willingness to make those accords the touchstone of what ought to happen in Vietnam, we should recall what those accords were. They laid down that though Vietnam was temporarily divided by the 17th parallel, this was not to be regarded as a permanent cutting of the country in half; instead, the accords said, North and South Vietnam ought to consult about ways and means of taking a vote on the issue of reunification, and this should be done by July, 1956. But when North Vietnam approached the South about the proposed consultations, South Vietnamese President Ngo Dinh Diem slammed the door, having been encouraged to do so by the Americans; for it was then widely believed that a vote in the South would have yielded a majority for reunification of the country under North Vietnamese President Ho Chi Minh; and that, of course, would have meant that the whole of Vietnam would have gone Communist sooner or later.

Ngo Dinh Diem went much further than refusing consultations the Geneva agreements had envisaged. In 1955 and 1956 he and his brother Ngo Dinh Nhu stage-managed elections from which all their political opponents, non-Communists included, were disqualified, and which endowed Diem with dictatorial powers. These he used fairly well for a time, but in the end so badly that in 1962 he was overthrown, with American compliance, and murdered along with Nhu. Since then, there never have been anything like "democratic processes" or "free decision" in the South. Or in the North either. But, while Ho Chi Minh continues in power and by all accounts is widely esteemed, there have been in the South since 1962 a series of unstable *coup* governments, none conspicuosly abler than its predecessor. Nothing much has been done by any of them about urgent social problems afflicting the peasantry who constitute the vast bulk of the population. And, at least partly in consequence of those sins of omission in Saigon, the Viet Cong are currently in control of two-thirds or more of South Vietnam, despite the presence of US combat forces and staggering US superiority in fire-power.

These facts are known to the world at large, and aren't as likely to get burked in a world debate as they have successfully been most of the past 11 years in this country. The Russians will ensure that attention is paid to the letter Ho Chi Minh circulated to a number of governments last month, and to the reasons behind it. Ho Chi Minh is a man with a double grievance. He believes, in the opinion of at least some Administration officials quite sincerely, that he has been cheated twice at the conference table, once by the French and later by us. Twice bitten, more than twice

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shy. In 1946 the French promised him that Vietnam's future would be settled by a referendum (which Ho Chi Minh felt sure he would win). The French reneged and went to war with him. He beat them on the battlefield. In 1954 at Geneva he was again promised a referendum and was again thwarted, this time by Ngo Dinh Diem abetted by the US. In his letter last month, Ho Chi Minh made plain that he wants peace but intends to be tough about terms that can't be wriggled out of. These are that the US must wihdraw from South Vietnam its military forces and those of its "satellites" (for instance, the 20,000 South Korean troops), and that it must negotiate with the Viet Cong's political arm, the National Liberation Front, as the "sole genuine representative of the people of South Vietnam." The National Liberation Front, he says, aims among other things "to advance toward" peaceful reunification of North and South Vietnam.

What it boils down to is that Washington and Hanoi both say that [in Secretary Rusk's words] "the people of South Vietnam are the victims of aggression" but each is accusing the other of being the aggressor. They also charge each other with breaking the Geneva agreements. They are right; both sides have violated it, Ho Chi Minh by assisting the Viet Cong to overthrow the Saigon government by force, the US by transforming military advisers in South Vietnam into a huge and still expanding army of occupation. We say we had to, to keep all of Vietnam from going Communist at the hands of ruthless guerrillas; Ho Chi Minh says he is fighting against the partition of his country and the maintenance of a "puppet" regime in Saigon.

Time to Retire

The Baltimore Police Department is without a permanent commissioner and chief inspector, its two top enforcement officers. Bernard J. Schmidt, 57-year-old commissioner with 31 years' service, announced that "in accordance with the suggestion" of Governor J. Millard Tawes, he "would retire" on February 3. Two days after Schmidt's statement, the department's second in command, 63-year-old chief inspector George J. Murphy, with 36 years' service, said he too would retire.

The retirements came in the wake of a highly critical, 600-page, $52,000 report by the International Association of Chiefs of Police. The study was made after *Baltimore Sun* reporter Richard H. Levins spent nearly a year digging into the department's records.

In the area of criminal investigation, the IACP reported that in early 1965 four cases of violent deaths were judged "due to natural causes. . . . Several days later pathological examination revealed stab and gunshot wounds in the bodies." In other cases, as "many as six to ten uniformed police plus their supervisors were present" at one time while suspects were being interrogated or confessions were being taken. "If this does not border on duress . . . nothing does. . . ."

As in many large cities, there is organized crime and flagrant vice in Baltimore, say the experts. "Where such activities go unchallenged . . . public officials have either been reached or they are incompetent in the performance of their duties." The report called a downtown area known as The Block, where liquor, gambling, prostitution and general sexual promiscuity prevail . . . "wide open." Police headquarters is adjacent to The Block, as is city hall.

Arab Handicrafts

Why did Lebanese newspapers think President Johnson's brother-in-law, Antonio J. Taylor of Santa Fe, was not, as Washington said he was, a special consultant on how to market Jordanian handicrafts, but was a secret arms salesman? The most plausible explanation is that unresolved conflicts have produced a new armaments race in the Middle East, and along with it, rising irrationality.

The three monarchies, Iran, Jordan and Saudi Arabia, are drawing closer together because of pressures at work in the whole area. Egypt, greatly weakened by the stalemate in the Yemen but eager nevertheless to make her influence felt in Libya and in the Eastern Arab countries, continues to get massive arms from the Soviet Union. Food supplies sent to Cairo by the US enable President Nasser to pledge more of his own country's resources as payment for Soviet arms. Syria and Iraq have hopefully applied to the Pentagon for arms, but no answer has yet been forthcoming. So President Aref of Iraq, ever an optimist, sent his brother, Major General Abdur Rahman Aref, Deputy Chief of Staff, to the Soviet Union for arms. Syria too has asked Russia for military hardware.

Saudi Arabia has placed a large contract for aircraft and radar equipment in Britain, with the blessing of the US. Jordan is getting 100 Patton tanks. Israel, surrounded by this flood of arms, is negotiating with French private firms for cooperation in building rockets. Iran has long been supplied with American weapons.

Why do the Arabs want more planes, guns, rockets, tanks? Because of Israel in the first place, in the second place against each other, and thirdly for fighting minorities like the Kurds.

There is a fourth reason. No Arab regime can survive whose armies have been defeated in the field. The Jews defeated King Farouk; Nasser was only saved by the temporary American-Soviet alliance. General Kassem of Iraq was overthrown because his armies had been bruised by the Kurds.

The Iraqi President has accused the Persians of sup-

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porting the Kurdish rebels. Teheran contemptuously denied this. The fighting goes on. Iraq is in a weak position because the Russians are reluctant to spoil their improved relations with Iran for the sake of the Iraqis. As for President Nasser, American experts who have just been to Yemen say whatever happens there will be a disaster for him. If he has to withdraw his defeated troops, he will have them on his hands, resentful, underpaid and contemptuous of their officers. If he lets them fight on they will again be defeated. New skirmishes have already started in and around Baidha.

In Jordan, meanwhile, the Palestine Liberation Army continues to conscript young men, and the UN is going to reduce its Scandinavian force in the vital Gaza strip by 200 men, to save money.

Handicrafts, anyone?

Aerial Garbage

"Smoking is going to kill us just as sure as the sun comes up in the East (whether or not we can see it) regardless of what the American Medical Association or tobacco experts say. Not cigarette smoking, pipe smoking, or cigars, but the unscrupulous dumping of garbage in the atmosphere. If I sound like I'm off on some kind of crusade kick, this is only because I am, namely, to see if I can't hit a sensitive nerve in someone's conscience who will have the guts to stand up and be counted by turning the first wheel some place, some way, to put a stop to air pollution before it kills us all, not on the ground but in the air."

So began a recent letter from an airline pilot, Captain O. M. Cockes, to the Airline Pilots' Association's director of air safety. The letter asserted that near-collisions between aircraft have increased because of smoke pollution "to a point where you have had a dull trip if you don't experience at least one on every sequence as a scheduled airline pilot." The letter went on to accuse the US Weather Bureau of incorrectly reporting the "smoke" as "haze." The official glossary of the Bureau, it said, defines "haze," a natural phenomenon, as "salt crystals or dust" and does not include "smoke" in that definition. "Smoke" is a mixture of soot and dirt. Haze-based fog dissipates quickly in sunshine; smoke-based fog does not.

For years, a pilots' campaign, inspiring letters like Cockes', has been conducted by Captain William L. Guthrie, pilot and renowned clear air buff. During the recent New York mayoralty race, Guthrie conferred with both the Ryan and Lindsay teams, to no noticeable effect except that the candidates began to allude to "aerial garbage." For years, Guthrie has seen from his cockpit that there exists, nationwide, a blanket of smoke reaching as high as 31,000 feet, which moves with major weather systems. He believes that public efforts to prevent air pollution (such as smoke) cannot begin until the problem is accurately stated and assignment of responsibility correctly made.

Guthrie's allegations (corroborated by 2,300 fellow Eastern Airlines pilots) remain uncontested; but his correspondence and messages to the Federal Aviation Agency, requesting review of inaccurate weather reporting, remain unanswered.

On October 7, Captain Guthrie refused flight deck access to an FAA inspector. FAA inspectors, representing the public interest, conduct routine en route airline checks and are entitled to access to the pilot's compartment of the aircraft during flight. Guthrie considered that the FAA lacked concern for the public interest in failing to investigate pilot allegations of incorrect weather reports. A disciplined airline pilot with an enviable 35-year record, he apparently deliberately violated federal aviation regulations. He was grounded, but has appealed the ruling.

"The airline pilot," Guthrie says, "privileged with a front seat from which to view the ever changing and ever dirtier sky, has a special interest in demanding correct weather reports. Once smoke is consistently identified, it can be stopped at its source and responsibility for it can be established. By the time pollution gets into the air, there's no way to control it.

"If the federal government will simply take the position that the dumping of private property (waste material) in the nation's sky is undesirable, and set a time schedule of dumping penalties as a deterrent, we will see the ingenuity of our industrial machine producing a clear sky.

"If aerial dumping of waste is severely penalized," Guthrie continued, "then billions of dollars worth of retention and salvage equipment will be designed, manufactured, sold, installed, serviced, replaced by better equipment."

Guthrie's suggestions have already been successfully tried in the town of Palm Beach Shores in Florida, which enacted a 1964 ordinance penalizing aerial dumpers $20 per ton. When this was done, the local power plant quickly announced it would convert from residual fuel oil to natural gas, thereby lessening aerial contamination (but not eliminating it). More recently, the President's Science Advisory Committee recommended "that careful study be given to tax-like systems in which all polluters would be subject to 'effluent charges' in proportion to their contribution to pollution." Secretary of the Interior Stewart Udall is interested in offering economic incentives for pollution abatement. Urban critic Jane Jacobs foresees the rise of a new growth industry in our cities concerned with retention and salvage of wastes. Someday, despite depressing indications to the contrary, the problem of aerial garbage may be solved.

Leticia Kent

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Sex and the Lords

London

Harold Wilson's end-of-year government reshuffle put Roy Jenkins, one of Labour's brighter sparks, into the Home Office, one of Britain's most recalcitrant ministries. Old hands in Whitehall call the Home Office the rag-bag, and with reason, for it's the government's catchall. Its responsibilities fan out, from prisons and police through alien and immigrant law and on to betting, vivisection, liquor licensing, pornography, bishops, electoral law, children's welfare and wild birds. In the middle of this administrative lumber the Home Secretary is supposed to have wit and energy left for the delicate tasks of exercising the prerogative of mercy, and initiating reforms in the criminal law. Liberal opinion in Britain charges that the Home Office civil servants shower the Home Secretary with so much case law, precedent and sheer weight of paper that not even the most liberal and humane Minister has the strength to get out from under and budge the Home Office from unimaginative interpretation of the rule book. The past two Home Secretaries, Labour's Sir Frank Soskice, and the Conservative Henry Brooke, left office tagged with failure, to be remembered for the men they did not pardon, the acts of discretion they did not undertake. Such reforms of prisons and the penal system as they managed are not held to compensate. A British politician needs wily ingenuity to get out of the Home Office undamaged. Not many are that wily.

Roy Jenkins may be. He is certainly suave and mentally agile, two qualities that give him a good start. He comes from the Ministry of Aviation, where he built a reputation up while running the aircraft industry down. Somehow the Conservatives still get most of the blame for canceled projects; Jenkins took the credit for getting Britain off expensive hooks relatively painlessly. He had a chance to leave the Aviation Ministry a year ago, when he was offered Education and a place in the Cabinet. He turned it down, preferring to stick with the aircraft industry's troubles, and Education went to his friend, fellow right-wing Labour intellectual Anthony Crosland. Now Jenkins comes into the Cabinet hierarchy ahead of Crosland, and at 45 the youngest member. In that, he is like the Liberal whose biography he wrote, Asquith. Like Asquith, he intends to go on to higher things. He is not, he says, looking to the Home Office for a political graveyard.

But he certainly steps into a minefield. The explosions will be coming mainly from Labour's left-wing, over immigration policy. Jenkins, like Soskice before him, will have to defend Labour's present hard line on immigration, with the entry of colored immigrants severely curtailed and with sharp action against evasion. Jenkins does not like this any more than Soskice did. It still hurts Labour consciences to toss aside the late Hugh Gaitskell's moral stand on immigration, but the Cabinet is determined to ride out unrest within the party in order to whitewash Labour before the electorate, and they hope to stop the Conservatives using a race issue against them at the next election. Political necessity comes before all.

Jenkins will stand in the front line on immigration, but Britain's abolition of the death penalty offers him a counterbalancing consolation. The Home Secretary is relieved of the burden of deciding whether a man should hang. Jenkins would probably not have taken the job otherwise; back in 1959 he called for wholesale reform of the Home Office and its responsibilities, with abolition of hanging as a priority. This has been done for him, but not much else he wanted changed has been, notably the law on abortion and homosexuality. By unwritten rule it is not the practice for the government, through the Home Office, to initiate liberalization of the law as it affects sexual morality. The Home Office may hint, suggest, support, but the initiative is customarily left to private members and votes are taken independently of party whips – as were the votes to end hanging. Fortunately for the new Home Secretary there are already allies in the field; surprisingly, they are at their most vociferous in the House of Lords.

The notion is false that the Lords is just an airing-house for the grumbles and grievances of a reactionary aristocracy. Last year the House of Lords gave its blessing to measures to liberalize the law on both abortion and homosexuality; the House of Commons turned them down. The Lords, unlike the Commons, are not open to backlash from voters, except through the mails where reforming peers collect plenty of abuse. But that doesn't explain how a body that less than 10 years ago paraded a massive vote against abolition of hanging now votes two-to-one for abolition and then passes eagerly on to a brace of equally contentious issues.

The House of Lords is beginning to show the effect of the introduction of a nonhereditary element. There are only about 100 life peers in a total roll call of 800, but they command attention. The life peers are mainly

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on the left and provide a useful counterweight to Tory legions. More importantly, many are not drawn from the arena of party politics but are scientists, diplomats, writers, who are unwilling to tolerate party cant and, backed by some progressive hereditary peers and blessed by the current crop of liberal bishops, form the nucleus of a progressive bloc.

The peers seem to have grasped that, contrary to Commons' fears, reforms of the law on homosexuality and abortion will not provoke a real public outcry. Surveys suggest the majority favor a change, though they don't shout for it from the rooftops. There is patently something amiss with a law which does not fully protect a doctor aborting to save the life of the mother, in a country where an estimated 100,000 abortions are performed annually, many of them under amateurish, dangerous conditions. The public and the peers have grasped the need to widen the categories of permitted abortion and enshrine them in law, if only to cut the ground from under illegal abortionists. Similarly, a law which sends adult homosexuals to prison, but not lesbians, is now seen to be both malicious and capricious. Not of course by all; Lord Montgomery, fearful for army discipline, campaigned to move the age of consent for homosexuality from the proposed 21 to 80. It does not matter what you do after 80 in the eyes of the victor of El Alamein. But he did not get away with it, being swiftly put down by Lady Gaitskell's tart reminder that men would be less squeamish about their own bodies if they had babies.

Something of the current mood is now filtering through to the Commons, who may well reverse their position and fall into line on homosexuality and just possibly on abortion too. Jenkins will help with as much discreet prodding as he can risk without offending the accepted primacy of the MP's conscience in matters moral.

But the Lords, to whom he must look for his pacemakers in this, may give him headaches on other matters. The reforming peers dislike what Labour is doing about immigration, and being less subject to party discipline could cause a greater stir than malcontents in the Commons. This is part of the price that has to be paid for a reformed House of Lords. An appointed element is more difficult to bring into line than a thoroughly hereditary Chamber which in the last analysis knows it cannot hold out against the elected Commons. An appointed element has nothing to lose. It is because of this that Conservative and Labour governments have kept Lords reform at a minimum; just a modest injection of life peers to keep the body breathing. They may, however, have given it more life than they intended.

A protest in the Lords over immigration cannot hope to change government policy, for Jenkins can look for backing to the Conservative peers in the last resort. But immigration remains his Achilles heel. The policy he inherits muddies a liberal image. Administering it will call for hard decisions on the borderline, precisely the sort of decisions that explode into open outcry, with offended susceptibilities clamoring for redress. The new Home Secretary can also expect his share of brickbats as he adjudicates generally between public and police, between liberty and order. Grateful as he may be that abortion and homosexuality reforms are moving his way, Roy Jenkins will find it hard to preserve his liberal reputation.

BRIAN WENHAM

Enrolling for Medicare

The Department of Health, Education and Welfare, attempting to transform nearly 19 million elderly Amercans into Medicare card carriers, is getting ready to pick up the tab once they begin using their cards on July 1. The Department is running an intensive Lost and Found operation to inform persons over 65 that they must sign up before March 31 if they want to be included in Part B of the program, the voluntary doctor-bill insurance. To ensure high standards of medical service and a smooth flow of billing and paying, HEW is making contracts and agreements with 55 state and territorial governments and with a number of national "fiscal intermediaries" and carriers.

For everyone now receiving social security or railroad retirement benefits, Part A of Medicare, the hospitalization insurance provision, is automatic in its coverage. But Part B, a $50 deductible insurance providing payment for 80 percent of the "reasonable cost" of physicians' and surgeons' services and up to 100 home visits a year, is a voluntary program. To be covered, participants must sign up and agree to pay $3 a month (the federal government puts up $3 too). Those who do not sign up within the next seven weeks must wait until the end of 1967 for another chance to enroll, and they will have to pay higher premiums if and when they do join.

By January 31, 12.2 million old people had responded to HEW's canvass; of these, just over a million indicated they did not wish to sign. To find and poll the rest, HEW has instituted a crash program, making personnel available in homes for the aged and in senior centers, and sending notices to recent addresses compiled by the Social Security Administration and the Bureau of Internal Revenue. The Office of Economic Opportunity's "Medicare Alert" has hired older people to locate and inform other older people. As time grows short, press gimmickry will spread the word – like President Johnson's personal presentation of the nation's first health insurance identification card

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to Harry Truman, "the real daddy of Medicare."

Some reasons given by those who have elected not to sign up illustrate the massive administrative problems of putting a program of the present size into operation. Persons already carrying private health insurance hesitate to sign because their companies have not yet been approved by state insurance commissions. Persons on public assistance hesitate because their states have not decided whether to buy into Plan B on a group basis covering all their clients, or allow them $3 for individual participation. The difference to the state is that if it buys in, the law requires it to offer care of comparable quality to clients of other ages – dependent children, for instance – and some of the states with the most meager programs hesitate to undertake this commitment.

Yet with only seven weeks to resolve these uncertainties, HEW hopes, by the deadline, to get decisions from all but some 600,000 to 700,000 of the nation's 19 million eligibles.

Meanwhile, as a future picker-up of tabs, HEW enters the delicate business of assuring that the financing it supplies will purchase services of suitable standards. Each state and territory is to designate an agency, usually the state health department, to act as an intermediary, certifying purveyors of services in its area. Providing they have a utilization review plan, hospitals approved by the Joint Commission on Accreditation of Hospitals are accepted automatically; others that don't quite make the grade must have their deficiencies – and their plans for remedying them – assessed.

It is probably just as well that the part of the program covering convalescent nursing homes will not begin until January 1967. Certifying nursing homes, many of which are substandard profit-making operations, is complicated by absence of any national accrediting system. And except for visiting nurse services, the home health agencies to whose care the elderly are entitled under the Medicare act are scarce or nonexistent except in the Northeast; communities must be induced to organize them from scratch.

"Reasonable cost" for services reimbursable under Medicare remains to be established. The 16-member Health Insurance Benefits Advisory Council is working on this. Among the knottiest of such determinations is calculating depreciation of hospital equipment (promptly after the passage of Medicare last year, the American Hospital Association changed its basis of calculation from "original cost" to "replacement new," a change that could run up the cost of the program considerably). Not many hospitals today are proprietary institutions, but many skilled nursing homes are; arriving at "reasonable costs" is going to be difficult for institutions which exist to turn a profit.

Cost safeguards also need to include mechanisms for keeping claims down, such as the review by doctors of patients' need for continued hospitalization after a certain number of days. The law requires such "recertification" within 20 days after admission, but that may well be too long. Studies in some states have shown that early review causes a sharp drop in stays of welfare recipients, and frees beds for other patients. The problem of unnecessary hospital overcrowding may be especially acute when the nursing-home provision goes into effect next January, when some 400,000 persons will already be in skilled nursing homes. Such care is not covered unless the patient has first been hospitalized for at least three days. Many old people may be standing in line for admission to hospitals simply to qualify for the nursing-home care.

Under Part A of Medicare, hospital bills will be sent to locally-based fiscal intermediaries, and paid by them. HEW recently designated three companies for this purpose (Blue Cross, Travellers Insurance Company, and Aetna Life and Casualty); others will be added. The first "carriers" to handle Part B payments will be announced by mid-February. They are expected to include Blue Shield, as well as other non-profit health associations and commercial companies with experience in such transactions.

With so much remaining to do to get ready for Medicare, it is no wonder that HEW Secretary John Gardner told newsmen recently, "It gives me the shakes when you people come in and ask about additional new programs."

Helen Hill Miller

Come Right in "Colonel," "Admiral," or Whoever

Four years ago the Civil Aeronautics Board decided to look into private clubs maintained by major airlines for their special customers – the plush "members only" lounges at airports across the country that provide everything from free liquor to color TV, free phones and secretarial service.

The clubs, of which most air travelers are unaware, date from 1938 when flying still had a trace of adventure and members of American Airlines' "Admirals of the Flagship Fleet" felt a kinship. An admiral's hat on the club's front door was identification for the initiated. The occasional nonmember who wandered in by mistake learned from the pretty "skipper" at the door that he did not belong.

One doesn't become an "Admiral" simply by flying American. One must make "an outstanding contribution to the promotion of aviation." Admirals include businessmen, frequent travelers, celebrities, journalists and the chairman of the Senate aviation subcom-

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mittee. One cannot apply for membership (there are no forms); one is nominated by the airline's district sales office and sent a membership card signifying his "meritorious service to air transportation." The card gets him past the skipper and into any of the ten Admirals Clubs at US airports.

Until about six years ago TWA's Ambassadors Club at Washington National Airport was open to everyone who flew. But it became so crowded with people waiting for the Eastern Airlines shuttle that it had to be restricted to TWA passengers. And only to a few of them. A typical club, according to Rosemary Aurichio, a TWA official, is a comfortable lounge set away from the hurly-burly of the public waiting areas of a terminal. It is equipped with a stereo or TV, writing tables, a conference table for small meetings, and a bar. Customers pay for their drinks, except in states where, to get around liquor laws, the lounges operate as bottle clubs. Members store their bottles in lockers provided by the club and are served by waiters who charge only for "setups." Ambassadors are nominated by TWA district sales staffs, "who generally know the individual and what amount of travel he gives us." For flying often on TWA a customer gets a card identifying him as "one of a select group of patrons of air transportation and one who is thus contributing by travel and trade to better understanding, amity and unity throughout the world." Ambassadors are life members unless they pass bad checks at the TWA ticket counter (cashing checks is another "members only" privilege).

Members of Continental Airlines' Presidents Club (including Sen. Peter H. Dominick of Colorado and Sen. George Murphy of California, who represent states in Continental's service area) may, if they wish, sip free drinks in any of five airports and admire the private art collection of Continental's president Robert Six. Delta has a Colonels Club; Pan American a Clipper Club; Braniff an International Council Club; Northwest a Top Flight Club. United, the extra-care airline, takes extra care of members of its 100,000 Mile Club (one star on the membership plaque for every 100,000 miles in the friendly skies of United, or any other airline). Services differ from club to club and airport to airport, but all the clubs are not advertised, charge no dues, and are exclusive.

The airlines make a practice of offering memberships to public officials. For example, Senator Norris Cotton of New Hampshire, the ranking Republican on both the Senate Commerce Committee and its aviation subcommittee, holds memberships in three of the airline clubs. Sen. Mike Monroney (D, Oklahoma), chairman of the aviation subcommittee, is an Admiral of the Flagship Fleet and a former "Ambassador." Sen. E. L. Bartlett of Alaska, also of the aviation subcommittee, is a member of the Admirals and Northwest's Top Flight Club. He believes the clubs are discriminatory, but only in the sense that they favor heavy travelers. He tells of having once walked into a club of which he was not a member, announcing himself as a United States Senator and being turned away like a man of no distinction.

Passengers who pay the same fare as an "Admiral" or a "Colonel" may see no reason why they should subsidize a service which they are denied. A provision of the Federal Aviation Act of 1958 seems to justify their sense of grievance: "No air carrier . . . shall make, give, or cause any undue or unreasonable preference or advantage to any particular person."

In March 1962, after receiving several complaints from passengers, the Civil Aeronautics Board instituted an investigation of clubs maintained by American, Continental, Pan Am and TWA, each of which has restricted waiting rooms at various airports. The investigation was to determine whether the carriers' practices of maintaining "members only" facilities constituted unjust discrimination, preference, prejudice, rebates, or unfair competition. A year later, in March 1963, the Board concluded that "continuance of the matter to hearing would not serve the public interest" and dismissed the investigation without prejudice. Two members of the five-man board, Robert T. Murphy and G. Joseph Minetti, dissented: "This proceeding has not moved forward and is now being dismissed. . . . In our view, insuring that consumers are not subjected to possible discriminatory practices is certainly in the overall public interest, and we believe the proceeding would resolve the matter.

"While there are no accurate and complete figures available to us, we understand the operation of these clubs may cost the carriers an almost one million dollar loss annually. If this is the case, the practice may well be questionable in respects beyond the bare discrimination."

The CAB has continued to receive complaints from passengers bounced from airline clubs. Last December 9, Herbert A. Goldberger, a Rhode Island businessman, found himself between planes at New York's Kennedy Airport. Inside American's terminal he noticed several passengers disappear behind the door with the admiral's hat on it. He followed them inside, was told he was not welcome, protested, but was refused admittance.

On his return to Providence, he spoke with American's district sales manager, John C. Ryan, who told him membership could be obtained only through appointment of the applicant by American. Then Goldberger asked an "Admiral" friend of his to write him a letter of recommendation to the club, which was done. The Airlines replied "we have had to limit the number of new Admirals that we commission so as not to overcrowd the club's facilities. However, you

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can be assured that as this request comes from one who is an Admiral, it will receive our consideration as soon as this situation eases."

In a formal complaint to the CAB, filed January 21, Goldberger charged that "to the extent that American Airlines, Inc. has arbitrarily selected a segment of the traveling public to which they choose to extend additional and superior terminal facilities and service, it is engaging in a discriminatory practice."

American was given twenty days by the CAB in which to file an answer.

DAVID SANFORD

Out of Business – By FTC Order

In an odd decision made public last month, the Federal Trade Commission called up the anti-trust laws to buttress an attack on small businessmen who form co-ops.

The Commission invoked the Robinson-Patman Act, legislation originally designed in the 1930's to encourage small business, in forcing a group of auto-parts jobbers – (middlemen who sell spare parts to garages) – to disband a distributing warehouse cooperative they had formed. The Commission held 3-2 that by setting up the warehouse and thereby qualifying for a manufacturer's discount of 20 percent, Southern California Jobbers, Inc., had induced and received a discriminatory price discount. It directed that the practice stop, which means folding the warehouse. This warehouse sold only to members of the cooperative, and they got a discount in proportion to the amount of their purchases. Jobbers buying parts direct from a manufacturer do not receive a discount, and therefore, according to the Commission, are placed at a competitive disadvantage. Everette MacIntyre wrote the opinion; he was supported by Chairman Paul Rand Dixon and John R. Reilly. Philip Elman and Mary Gardiner Jones dissented.

This opinion comes at a time when thousands of independent jobbers need to band together in one way or another to provide the inventory to compete with huge oil companies and national chain stores that have been moving into the wholesale end of this business. Instead, the effect of the Commission's ruling will encourage the opposite. Apparently the small, independent jobber is to remain that way until the big chain operations have established dominance.

The members of Southern California Jobbers are not large; since the warehouse is a cooperative there is no pooling of profits or losses. There was no information in the case to demonstrate its injury to competition. Moreover, the Commission was scarcely able to make any firm judgment on the workings of the market for replacement parts (it did not go into the details of its operation). Nationally, the industry has sales of more than $7 billion a year. The large automobile manufacturers have in the past few years begun to manufacture parts for it, and they are in a position to influence distribution through their franchised car dealers. Large mail-order firms have set up repair shops in their stores, and they too have moved into the distribution end. The oil companies look for a share of the business through their gas stations. Chain accessory stores with branches around the country have sprung up. The business is strongly influenced by the car owner who demands quick service. Parts are myriad, and a supplier with a large inventory and speedy system of getting the part to the garage is likely to increase his share of the business. Over the long haul it would seem difficult for the little wholesaler to stay alive. The commission never tells us who the major manufacturers are, to what extent they dominate the distributive end; the effect of the chains; it makes no estimates of how the small independent jobber will fare in the future. It simply provides no information which would begin to give one any understanding of competition in the market.

The decision may have ramifications beyond the auto-parts market. Some people see it as a general attack on cooperative enterprise. A main point in forming any co-op is to get a better price by increasing volume. Thus, for example, in order to beat the high price of funerals people form cooperative memorial societies which bypass the rigamarole of the undertaker. They then are in a position to deal directly with the coffin salesman, who because of a sizable market, can be induced to sell to the memorial society at wholesale rates. The same sort of situation exists for cooperative grocery stores; there are cooperatives in electricity, telephones, housing, insurance and group health plans. Are the legal foundations suddenly to be cut from under these organizations? The Commission claims this is not its intention. The Senate Small Business Committee, however, is worried on this score and has begun its own investigation.

In a dissent, Commissioner Elman wrote, "I am sure that the Commission has no such desire or purpose, but the inevitable effect of its decision here will be to cripple the operation of cooperative organizations generally. In many industries – the food industry is per-

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haps the most familiar example – small businessmen have voluntarily joined together to pool their investments to establish and patronize their own cooperative enterprise. Faced with the competition of large national chains and other mass buyers, small retailers – in an effort to reduce their costs – have formed cooperatives to engage in collective buying, wholesaling and distributive functions. A wholesale organization owned cooperatively by a group of retailers is no less a *bona fide* wholesaler because of its cooperative ownership. Why, then, should the cooperative be compelled to pay a higher price for merchandise than other wholesalers on the same level of distribution? Why should there be such a price discrimination against cooperatives, which destroys their very reason for existence?"

The case now goes back up to the US Court of Appeals for the Ninth Circuit, which previously had remanded it to the Commission. JAMES RIDGEWAY

After the Arrest

Interrogation and the Right to Counsel

by Alexander M. Bickel

John ("Broadway Johnny") Broderick, the toughest cop in New York thirty and forty years ago, died the other day. "He was a man of his time," commented Assistant Chief Inspector Walter Henning, of the New York Police. "Under the restrictions today, he would have a difficult time doing the things he did. But in the transition time after Prohibition, when these people [gangsters] went in and out of court like it was a revolving door, they had rather be locked up than to meet Johnny."

"The restrictions today" are in substantial measure the result of federal judicial decisions which began to address themselves to police methods in the mid-Nineteen Thirties, and have done so with gathering momentum. Certainly not since darkest Prohibition has law enforcement been an issue in a presidential campaign, as it was in 1964, and hardly ever before have specific decisions of the Supreme Court concerning criminal procedure been the subject of political debate, as again they were in 1964. Last year, President Johnson sent a major message to Congress on law enforcement and crime prevention, and appointed a presidential commission to consider these subjects – the first President to do so since Herbert Hoover.

The controversy ranges over many aspects of police methods, including the basis upon which arrests without warrant are made, and searches without warrant conducted. It has focused with particular heat, however, on the problem of station-house interrogation. A policeman brings in a suspect whom he has arrested without a warrant, but – let us assume – lawfully, which is to say, on the basis of a reasonable belief, in light of facts coming to the policeman's attention, that a crime has been committed and that the person arrested may have committed it. What should happen next? Not, of course, the third degree. But may not the police interrogate the suspect, then perhaps hold him for a time, while checking out some further leads, then perhaps interrogate him again – all before deciding either to release him for lack of evidence, or to arraign him before a magistrate and have him formally charged, provided with counsel, and bound over for trial?

What I have just put as a question is almost undoubtedly uniform police practice throughout the country. Since 1957, it has been a practice of doubtful legality in the District of Columbia, the one jurisdiction where the federal government exercises general law enforcement responsibility. Since 1964, it has become questionable everywhere. In 1957, in *Mallory v. U.S.*, the Supreme Court construed an applicable federal statute to mean that the police in the District of Columbia may hold a suspect only for the shortest possible time before bringing him to a magistrate. In 1964, in *Escobedo v. Illinois*, the Court held that station-house interrogation of a suspect who was refused permission to consult his lawyer was unconstitutional. And the Court at least suggested that the unconstitutionality of the proceedings in the *Escobedo* case was aggravated by a failure to warn the suspect of his right

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to remain silent, and that the whole practice of interrogation of a suspect unrepresented by counsel was dubious at best.

Since the *Escobedo* case, some judicial decisions, particularly in the Court of Appeals for the District of Columbia, have tightened the screws on police interrogation even further, to the point virtually of seeming to lay it down as a constitutional requirement that no suspect who has not been arraigned before a magistrate, warned of his right to remain silent, and offered the assistance of counsel may be questioned at all by the police. In *Alston v. U.S.*, a manslaughter case decided in the District of Columbia Court of Appeals in 1965, the defendant was arrested at about 5:15 a.m., and arrived at the station house with his wife at 5:30 a.m. During about five minutes of questioning, he made no admission. He was then allowed to see his wife again (she had been waiting outside), and when he returned, he confessed. Chief Judge Bazelon of the Court of Appeals for the District of Columbia held that this confession was obtained by unconstitutional means and was, therefore, inadmissible in evidence. The conviction of Alston was reversed. There was a dissent in the case, and Judge McGowan, who joined Judge Bazelon to form a majority, did so because he believed Alston had not even been warned of his right to remain silent. But it is not improbable that for Judge Bazelon, at any rate, and for some other judges as well, any interrogation before the assignment of counsel is unlawful, warning or no.

Defeating the "War Against Crime"?

The reaction of police and prosecutors has been pained in the extreme. They contend that any such rule as they perceive to be evolving out of these cases would frustrate law enforcement, ensuring defeat in what they are all too prone to call "the war against crime." It is very likely true that if we are to make a lawyer available in the station house, or even if we are clearly to warn each person arrested that he need say nothing to the police and that whatever he might say will be held against him, we are likely to get fewer incriminating statements from suspects at that stage. We don't know how many fewer. "Frankly," the former US Attorney for the District of Columbia, David C. Acheson, told a Senate committee last year, "neither the police nor we know whether it would have that effect in five percent of the cases or 95 percent of the cases." Nor do we know the number and kinds of cases that depend upon station-house confessions and other admissions for successful conclusion from the prosecution point of view. We have a very good notion of the statistical significance of pleas of guilty; they account for something like 90 percent of convictions in criminal cases. It is widely feared, therefore, that a substantial decrease in the percentage of pleas of guilty would bring the criminal process, with the present human, institutional, and financial resources committed to it, to a grinding halt. The crucial bit of information that is lacking, however, goes to the relationship between station-house incrimination and the ultimate plea of guilty, which is often the product of bargaining between counsel and prosecuting attorney, well after formal proceedings have been commenced.

But there are things to be said about the problem of station-house interrogation even though we don't know in what measure it strikes to the very heart of the accustomed administration of criminal justice in this country. One begins by asking why we should not welcome all possible methods, short of the outright brutal, of obtaining confessions, and why we ought not in all ways vigorously to pursue a criminal investigation in the period following the arrest? Why should we not allow a legally arrested prisoner to be held incommunicado for a period, say, of a day, three days, a week, and questioned? Well, there is, for one thing, enough evidence that the credibility of confessions obtained under such circumstances is sometimes in doubt – New York City alone in the last couple of years has had at least three celebrated cases of false confessions, the Whitmore, Hector Cruz, and Santo Sanchez cases. Moreover, ours is an adversary, accusatory system of the administration of criminal justice, as opposed to the European inquisitorial system. Police and prosecutors, with us, are supposed to seek justice, of course, but we channel their zeal to the pursuit of evidence of guilt, and train them to rely on the defense to find and present to an impartial third party evidence of innocence. We rely on the collision between prosecution and defense to produce the just result. We choose to believe also that men are presumptively innocent and owe the state no duty to prove themselves so. And if they owed any such duty at all, they would owe it not to police and prosecutors, but to judge and jury, who alone are deemed impartial. This adversary system may not be the best, the most efficient, or ultimately the most just. But the worst and most unjust system is assuredly a mixed one, an adversary system which weights the scales, contrary to its fundamental premises, in favor of the prosecution.

Our adversary system thus means that the state and the prisoner are each on their own, and that the state is not entitled to the prisoner's assistance in the process of bringing him to book. The prisoner may choose to speak or plead guilty, but he need not. It is up to him whether to speak or not, but it *is* up to him. Everyone will admit – police and prosecutors will be the first to admit – that prolonged interrogation in the menacing circumstances of a police station has a tendency to coerce, even in the scrupulous absence of any overt coercion, physical or psychological. A week's deten-

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tion and interrogation has a tendency to coerce a great deal, a day's detention to coerce less; but still to coerce – that is the whole purpose of prolonged initial detention and interrogation, whether for ten days or one. And so the question is, how do we square with our professed principles a practice whose professed purpose is to defeat those principles?

Is it enough that the prisoner be unmistakably informed of his right to stand mute, and of the possible consequence to him of a decision to speak? Suppose, as in the *Escobedo* case, that he has a lawyer and wants to see him? The argument about whether to allow this always starts with the proposition that a lawyer will automatically advise his client to say nothing. But even if the initial advice is silence – and it may not always be – it is not necessarily permanent advice, as the percentage of pleas of guilty must be taken to demonstrate. Counsel may not yet know enough about the case to be able to advise intelligently, and hence may want everything in *status quo* for the moment. But if the right to stand mute is conceded, and if the right to the assistance of counsel is conceded once formal proceedings commence – even if they commence and end with a plea of guilty – then on what basis can it be argued that a request to call or see a lawyer may be denied in the station house? The argument again involves us in a flat contradiction with professed principle, for the right to counsel is denied only in order to direct the choice between speech and silence, which ought to be free, and to launch and predetermine without counsel proceedings which ought to be conducted only with counsel.

Counsel for the Indigent

There are further ramifications, about which debate rages. The case, like *Escobedo*, of a prisoner to whom counsel is readily available is atypical. The typical case is indicated by the names of the three men I mentioned earlier from whom false confessions were obtained in New York recently. One was a Negro and two were Puerto Ricans. Should friendless, indigent defendants be supplied with counsel in the station house? That is the burning question. The Attorney General of the United States, in a published correspondence, recently fell to arguing with the Chief Judge of the US Court of Appeals for the District of Columbia the improbable issue whether the objective of the criminal process is to achieve equality between rich and poor. No doubt the poor are at a general disadvantage as compared with the rich, and Attorney General Katzenbach is right to maintain that it is no function of the criminal process to cure that pervasive social injustice, if it is always an injustice. The criminal code should not be confused with the Economic Opportunity Act of 1964. But the real issue is whether the criminal process should permit itself to *trade* on the disadvantages to which the poor are heir. No one, I hope, would be willing to argue that the well-to-do and well-counseled should have the right to stand mute before police interrogation, but the poor and friendless should not. A great deal would have to be shown about the necessities of the criminal process, about the menace to society that it needs thus to ward off, before such a proposition could begin to be rendered palatable. Well, if a corollary of the right to stand mute is, for the rich, the right to be advised by counsel, then it must be the more so for the poor, who are more easily intimidated and need counsel worse.

Basic principle seems to dictate, then, even though the Supreme Court has not yet said so in the name of the Constitution, that counsel be made available to prisoners in the station house; counsel of their own choosing to those who can afford the choice, assigned counsel to the indigent. (It is a practical impossibility to provide counsel at the moment of arrest – on the street.) But even providing it at the station house would not, I believe, necessarily eliminate all possibility of interrogation and investigation by the police in the period immediately after arrest. Moreover, to put the police in a position of having to produce instant counsel once the suspect has reached the station house would probably require establishment in the station house of intern-lawyers, who would quite possibly become police appendages, lacking the requisite independence. All this means that there is bound to be a period of time during which police and suspect are eyeball to eyeball, and alone. Even if it is decided that counsel should be made available at the station house, there remains a task of guarding against overbearing or abusive conduct in the interval before counsel can be produced. As to this problem, the excellent sugestion has been made that all station-house interrogations be put on tape, and eventually on TV tape. And, of course, the suspect should always be plainly and promptly informed of his privilege of silence.

The American Law Institute – a private assemblage of lawyers, judges and law professors interested in law reform – is preparing a draft of a set of recommended rules on police interrogation. The President's Commission on Crime also has the problem on its agenda. What both of these bodies say will have great impact. Hopefully they will see that providing counsel to an arrested person is important on principle, but need not make all the difference in practice that crime warriors have feared. Hopefully the Law Institute and the President's Commission will consider also practical means of insuring the availability of independent counsel, as well as ways of guarding against abuses that counsel may be unable to prevent.

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Richard L. Strout

One Hundred Years Ago

On February 12, 1866, the martyred Lincoln was eulogized, while vindictive radicals in the Congress were demanding the impeachment of President Johnson

One hundred years ago in Washington two events occurred a week apart that linked one of the noblest memories of the Republic with one of the most ignoble and degrading. On Feb. 12, 1866, Lincoln's birthday, President Andrew Johnson and Congress, meeting in joint session in the chamber of the House of Representatives, held the first great national memorial service for the martyred President, slain 10 months before. A week later, Feb. 19, President Johnson sent the same Congress a veto of the Freedman's Bureau bill. Like the first shot on Fort Sumter it precipitated all-out war. The consequences of it are still felt today.

It rained on the morning of February 12. George Bancroft, the historian, was to deliver the official eulogy. (He had done the same thing for Andrew Jackson, a generation before.) His text was distributed beforehand. The desk of the Speaker, the clock, and the coat of arms above the Speaker's chair, were hung with crape. Senators entered from the rear, two by two; the Cabinet, the Supreme Court, the foreign diplomats. A Boston reporter recognized paunchy General Ben Butler in civilian clothes and applauded lustily. Few joined him, but there was an ovation when Lieut.-Gen. Grant modestly entered the gallery.

The New York *Herald* noted that "with all the radicalism of the present Congress there were no freedmen provided with tickets." White people vainly bid $50 for tickets outside, it reported.

And George Bancroft spoke for two hours and 37 minutes. Next morning his speech covered the front page of the New York *Herald*, the *Tribune* and the *Times*, to the exclusion of all other news. Two men listened attentively in the audience: Andrew Johnson and his foe, Rep. Thaddeus Stevens of Pennsylvania, boss of the House.

Johnson's father died when he was three; he was apprenticed to a tailor at 13 in a Tennessee mountain village, and his wife taught him to read and write. It was bad enough, respectable people said, to have a rail-splitter as President, but a tailor! Johnson advocated the Lincoln policy, but it was tolerance preached in an intolerant manner; he was tactless and uncouth; he could never make contact with Northern support.

Sour, unlovable Thaddeus Stevens, 74, was master of controlled, devastating sarcasm. He hated the Southern gentry and made his motto, "Humble the traitors!" His counterpart in the Senate was Charles Sumner of Massachusetts, vain, pedantic and a complete doctrinaire. Neither Stevens nor Sumner had enough humor to fill a thimble.

The Lincoln Myth was forming 100 years ago, but deification had not occurred. Things moved slower then. White House secretaries Nicolay and Hay, the Sorensen and Schlesinger of their time, did not bring out their joint Lincoln biography till 1890. To Stevens and Sumner, Lincoln was no saint brooding in a marble temple. He was a politician with weaknesses and inconsistencies. They were passionate abolitionists, and they remembered what he said in his debate with Douglas at Charleston, Ill., 1858:

"I will say, then, that I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races. . . . I as much as any other man am in favor of having the superior position assigned to the white race."

Lincoln argued that the Confederate States had never left the Union. Stevens saw them as conquered provinces. Lincoln rejected immediate voting rights for the ex-slaves. Stevens and the radical Republicans wanted suffrage at once. They saw a beautiful juxtaposition of principle and political advantage. If the whites in the South returned a solid Democratic contingent to Congress and linked up with the reunited Democratic Party, they would have a majority in both houses. This must be prevented at all costs.

In the war the zealous super-patriots had tried to take control away from Lincoln but he always eluded them. Johnson was another matter; he lacked the gift of handling men. Stevens was determined now either to subdue Johnson or destroy him.

Meanwhile George Bancroft talked and talked. He knew the meaning of the glowering faces below. As Polk's Secretary of the Navy he had founded Annapolis. He was an apostate from New England federal-

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ism, a "traitor to the class," and one-time dispenser of patronage in Massachusetts. He was also a graduate of Harvard and Gottingen. As minister to England and later Prussia he was always writing his interminable 10-volume "A History of the US" that, when completed, only brought things down to 1789.

He and Johnson were both anti-slavery Democrats. He wrote Johnson's first message to Congress. Now he was trying, in his sonorous, ponderous address, to avert an ultimate rift.

He reminded the radicals that Lincoln had opposed precipitate civil rights, and "took the position that the Negro vote was only intended for the most intelligent, and those who had aided the North; and was never intended as a condition for state re-admission."

Then he pleaded, obliquely, for magnanimity. "The assassination of Lincoln, who was so free of malice," he told them, "has by some mysterious influence struck the country with solemn awe, and hushed instead of exciting the passion for revenge." He added: "There is no consolation to be derived from victims on the scaffold, or from anything but the established union of the regenerated nation."

The trouble was, it wasn't so. The radicals understood Bancroft's hints and were not moved by them. But Bancroft had a fine time anyway. He didn't reach Lincoln at all in the first third of his speech; he just warmed up. He denounced France, the Emperor of Mexico, and England (all eyes turned to Ambassador Sir Frederick Bruce). He attacked the Pope – "alone among temporal sovereigns," he said, he had recognized the Confederacy. He praised the Czar and the Emperor of China. (The latter excluded privateers).

And he also had some eloquent things to say about Lincoln, explaining however that Lincoln's "sensibilities were not acute," and that he "followed rather than led opinion." A strange official eulogy for a dead leader whose sanctification was yet to come!

A week passed . . . The Freedman's Bureau had started, worthily enough, as a relief agency for 4 million ex-slaves. It became, perhaps inevitably, a clumsy political apparatus to infuriate Southern whites and aggrandize the Republicans. Its legitimate work was about over. A week after Bancroft's speech, Johnson vetoed the bill to continue it.

This was war. The man who made such a veto should have mobilized his strength, reconstructed his cabinet. Johnson hesitated. He rightly suspected that gloomy, vituperative Edwin Stanton, Secretary of War, was conspiring with the radicals, but he did not oust him, not then.

Then followed humiliations which no other President had ever known. For two years Thaddeus Stevens was the real ruler of the United States. The Freedman's Bureau was extended over Johnson's veto. The South was put under military occupation. Northern passions were deliberately and expertly inflamed. Johnson was subjected to the foulest personal abuse of any American executive. The attack turned into a congressional grab for power, the grab that Lincoln had deflected in the war.

Congress passed the fantastic Tenure of Office Act that required the President to obtain the advice and consent of the Senate for removals as well as appointments to office. It would have made the President a chairman of the Cabinet, responsible to Congress, like the prime minister to Parliament.

Johnson called the act "unconstitutional" and was right, but the Supreme Court didn't rule on it till 1920 (*Myers v.. U.S.*). Incredible scenes followed: when Johnson finally named a new secretary to replace Stanton, the latter barricaded himself in the War Department.

The next step in the radicals' plan was to impeach Johnson. There was no vice president so, if they won, radical Ben Wade, president pro tem of the Senate, would have succeeded him. Then the radicals could have turned on the Supreme Court.

The House voted to impeach Johnson and brought their charges before the Senate. The House managers were Thaddeus Stevens, who knew every parliamentary device, and Ben Butler, swashbuckling mountebank, who waved a bloody shirt allegedly belonging to an Ohio carpetbagger flogged by the Ku Klux Klan in Mississippi.

A monstrous trial ensued. Impeachment needed a two-thirds Senate vote. It was a cliff-hanger. As they counted the votes the Ayes had 35; the Nays, 19. One vote short! In his *Profiles in Courage*, John F. Kennedy told of the political penalty which several of those Republican "Nay" votes brought.

So it all began, 100 years ago. First the strange eulogy of Lincoln, then the battle over the corpse of the victory Lincoln had won.

The South went through the mire; men found that race relations require more than bayonets, that it is easier to win a war than to achieve peace.

COMING: *Robert Coles*
Paul Seabury, Michael Harrington and others
on young radicals

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The Virtues of Failure

by Irving Howe

Given the quantity of fiction published in this country each year, it seems unavoidable that most novels should be ignored and that among these a few should nonetheless be works of distinction. *Stoner*, a book that received very little notice upon its appearance several months ago, is, I think, such a work: serious, beautiful and affecting.

The style, assumptions and matter of this novel are all at variance with those dominating current American fiction. If I add that *Stoner* is set in a remote province called Missouri; that it assumes human existence in Missouri to be open to drama, variety and significance; that it follows the career of an English professor from a barren youth to a bleak death; and that it takes as a central theme the vocation of teaching, which it treats with the kind of seriousness usually reserved these days for black humor, boredom, collapse and murder – then the difficulty of persuading anyone to read *Stoner* multiplies. But let me try.

Stoner
by John Williams
(Viking; $4.95)

Mr. Williams, a teacher at the University of Denver and author of several books of fiction and verse, begins with a few chapters that seem almost "mythlike." He places his central figure in a milieu so harsh and deprived, it thwarts most impulses to personality. William Stoner is born on a Missouri farm, to poor and speechless parents. The amenities of life are few here; not much of Western culture has settled onto the stark dirt of this place. Sent off in 1910 to the state university's agricultural school, the awkward boy seems at the beginning without individuality, deliberately resembling the kind of figure that has appeared again and again in American fiction between 1890 and 1940: the young man from the Midwest struggling to break into consciousness, as if to recapitulate in his own few years the history of the race.

At the university Stoner attends the class of a sardonic professor who teaches English "as if he perceived between his knowledge and what he could say a gulf so profound that he would make no effort to close it." The professor reads aloud Shakespeare's seventy-third sonnet ("That time of year thou mayst in me behold") and, with the dry impassioned hostility which often seems a necessary part of teaching, turns to ask the farm boy: "Mr. Shakespeare speaks to you across three hundred years, Mr. Stoner; do you hear him?" The boy cannot answer; no one could. But overcome with shame and anger, and made suddenly to thirst for the power of speech, he comes to realize that his life is being transformed.

Stoner is seized by a hunger for learning, a need to assimilate and ponder upon his knowledge with a private completeness, alone in his attic room where for a moment he has "a vision of denseness into which he was compacted and from which he could not escape, and had no wish to escape. Tristan, Iseult the fair, walked before him; Paolo and Francesca whirled in the glowing dark. . . ."

At this point the novel reaches its controlling rhythm: a narrative movement that is tense and summary, only now and again broken by a section of detail. Mr. Williams is more concerned with the curve of experience than its local segments, since the life of a man like Stoner can acquire value only when regarded from some distance and with a sense of how incorrigibly wasteful all human existence is. Stoner is realized as a character not through an accumulation of incident but through a kind of novelistic rumination, a firm grasp of what is significant, perhaps exemplary, in his life. He thereby becomes a persuasive and moving figure, in part because he is an agent of the failure we see in ourselves, but more important, because Williams, with the severe objectivity that is the mind's ultimate kindness, reaches toward the fragment of integrity that survives in Stoner's years.

By every familiar sign, Stoner is a failure. A bad marriage; a daughter helplessly loved, who drifts into drunkeness; a middle-aged affair, poignant and hopeless; aspirations to scholarship frustrated and an academic career not especially notable – all these form his lot. Yet something virtuous survives in him, resembling what Conrad called the "job sense" but here more positive and thrusting, an inner stubbornness which redeems Stoner to the history of his culture, if not to his immediate fellows or himself.

Stoner does his work with a fierce integrity; he does not fake; he is a witness in behalf of values he would hesitate to name. He forms part of the fabric of civilization, as it weaves, ungloriously, through the generations. For years he struggles against a colleague, flashier than he by far but badly flawed as a teacher. A climax occurs when Stoner and the colleague battle one another during a qualifying examination for a graduate student, with Stoner ruthlessly, yet in complete and necessary justice, exposing the flimsiness of a "brilliant" student. I would not have supposed that an occasion so routine to academic life, so little endowed with the appearance of drama, could be used with such effectiveness to embody the tensions of the moral life. Perhaps the lesson is that the occasions for drama, if not everywhere in commonplace existence, are still more frequent than most recent novelists have cared to suppose.

What makes *Stoner* an impressive novel is the contained intensity author and character share, not so much in behalf of teaching as a vocation, but in regard to the idea – the sacramental character – of work. By the end of his life Stoner has done little as a scholar: a single book, unread and by no means a neglected masterpiece. But if the idea of tradition is more than a consoling fancy, it is men like Stoner who in their very failure and waste form the sub-

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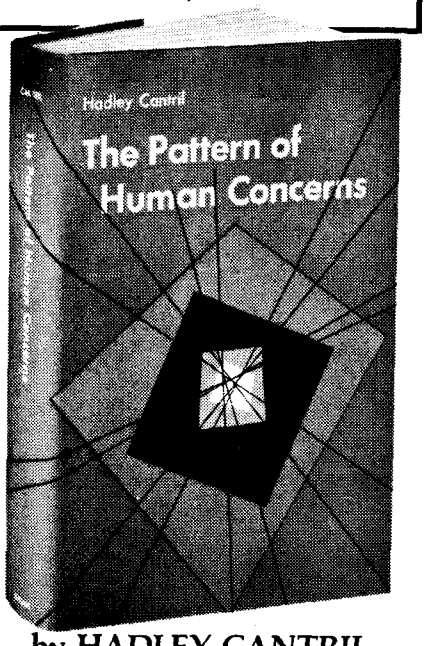

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THE PATTERN OF HUMAN CONCERNS

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stance from which tradition is composed.

The book has faults. A few secondary figures are unclear; some of the action is stock. Mr. Williams employs a tone of unrelieved gravity which can slip into sententiousness, just as his unrelieved stress upon the ethic of stoicism can become a life-constricting sentimentality. And perhaps most important: Mr. Williams firmly establishes a critical distance from Stoner the character, but does not keep himself sufficiently clear from Stoner's intellectual position. The novel thereby declines, at several points, from a vivid portrait of a man to a sectarian brief for a wintery kind of academic conservatism.

Even when this happens, however, Mr. Williams writes with discipline and strength: he is devoted to the sentence as a form, and free from the allure of imagery. He disobeys Ford Madox Ford's dictum that the novelist should show rather than tell, on the assumption that to tell with enough force and intelligence is to create a mode of drama. I think there should be a few thousand people in this country who will find pleasure in this book.

Comparing the Brutes

by Edward Grossman

The term "fascist" is nowadays used the way heathen mothers used King Richard's name long after he was buried: to strike fear and disgust into childlike hearts. Senator Goldwater has been called a fascist, and Lyndon Johnson is called a fascist by certain Klansmen. However, hardly anyone actually owns up to being a fascist anymore, and when someone does, even as indirectly as General Ky, it is to the delight of his enemies and the universal dismay of his friends.

Three Faces of Fascism: Action Française, Italian Fascism National Socialism
by Ernst Nolte
(Holt, Rinehart & Winston; $7.95)

Fascism in its overt, menacing, and respectable period has taken on a mythic quality, due to its incredibly evil fruits and to the popular history, fiction, and "entertainment" which find it such suitable raw material. One grows up on a glut of books and movies, and yet one knows very little.

Professor Nolte's book is the first that attempts to compare different fascist movements and to discover what was peculiar to each and what they had in common. Its concern is with ideas and ideologies rather than social, political, or economic history, with which the author assumes his reader is well acquainted. Despite this, Nolte usually avoids the obscurity that is typical of intellectual history composed by German professors, and makes a strong, informative case for his preliminary definition, which he puts into capital letters: "FASCISM IS ANTI-MARXISM WHICH SEEKS TO DESTROY THE ENEMY BY THE EVOLVEMENT OF A RADICALLY OPPOSED AND YET RELATED IDEOLOGY AND BY THE USE OF ALMOST IDENTICAL AND YET TYPICALLY MODIFIED METHODS, ALWAYS, HOWEVER, WITHIN THE UNYIELDING FRAMEWORK OF NATIONAL SELF-ASSERTION AND AUTONOMY."

Nolte analyzes three fascist movements by close study of the writings and utterances of their respective leaders – Charles Maurras, Mussolini, and Hitler, Maurras, the Provençal aesthete and character assassin, led the Action Française, a noisy, remarkably literate group of anti-Semitic, nationalistic monarchists that sprang up during the Dreyfus Affair and agitated Paris for the next forty years. Nolte believes that "fear" determined Maurras' ideas, fear that the good and beautiful (embodied in the pre-Revolutionary Latin culture of France) was succumbing to perfect evil (Germanic culture and its agent, the Jewish Marxist). What distinguished Maurras from romantics yearning for the *ancien régime* was Maurras' very "modern" obsession with cultural purity, his readiness to break with the Church, and his novel ruthlessness, one of whose expressions was the Camelots du Roi, the street-fighting arm of the Action Française and precursor to the

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stormtroops. Compared to the fascism of Mussolini and Hitler, Maurras', which never had a mass following nor came close to taking power, appears more a new kind of salon than a movement. But in view of its Manichean doctrine (which is inherently pessimistic as opposed to Marx's optimism), its nationalism, and above all its brutal intellectual and physical style, Nolte fits his definition of fascism onto the Action Française.

Italian fascism, Nolte writes, "is a somewhat younger and much coarser brother of the French, a boxer as compared to a fencer, free of the prejudices of a long and cultured background – but also . . . free of its despair and cruelty." The "boxer" is Mussolini, whom Nolte considers a complex and important figure, not a buffoon. Mussolini's career as a Socialist chief is the basis of a brilliant chapter in which Nolte shows how the future Duce's Marxism was perverted by the contemporary cult of action, and then, after the war, by bourgeois re-action, yet how something of the social utopian remained in Mussolini to accuse him as he was overshadowed by his vanity and finally demolished by Hitler. (In 1945, when partisans caught up with Mussolini, one of them shouted to him, "Why did you betray Socialism?") The evolution of Mussolini's ideas, confused and self-contradictory as they are, suggests convincingly the kinship of Communist and fascist ideologies. The morbid anti-Marxism, inplemented with terrorist methods foreign to Italian Marxists, bears out Nolte's working definition. Therefore he calls Italian fascism "normal fascism."

Then what is Nazism? It is "radical fascism," "fascism in its death throes." Nolte quotes an entry from Goebbels' diary: "[Italian Fascism] is . . . nothing like National Socialism. While the latter goes deep down to the roots, Fascism is only a superficial thing." Goebbels' meaning is epitomized in the Nazi attitude toward the Jew (which, of course, is dictated by Hitler's attitude): the Jew is a devil who must be deprived not only of rights and wealth, but of existence. No such idea ever occurred to Maurras or Mussolini; their anti-Semitism was satisfied with political exclusion and physical separation of Jews. In that respect they were "superficial," they did not go "to the roots." There is something mysterious about the nature of the Nazis' hatred of Jews. Nolte does not clear up the mystery, but in the single case of Hitler attributes radical Jew-hatred to an "infantile personality." Hitler's idea of the world was fixed from adolescence on, immune to "changes in reality," "aware only of itself," simple-minded compared to Maurras' or Mussolini's. In a letter dated 1919 Hitler urged "the total elimination of the Jews." He did not move from this concept until shortly before killing himself, and then only to embrace its close opposite – that "the German people have proved themselves inferior and *deserve* to perish.

Hitler was not insane. He seemed so because he followed with unprecedented thoroughness and consistency a program of defense against the enemy of his culture. Maurras did not understand this program, this "solution," but he must have recognized in it Hitler's fear for "threatened culture." In many ways dissimilar, Maurras and Hitler both believed in "evil" incarnated in a movement or people, and "good" incarnated in another. It is ironic that Hitler, who claimed he cared so much for German culture, was responsible for destroying the better part of it. Few careful, unapologetic books have been written in Germany since Hitler became its Fuehrer. Professor Nolte's book is all the more significant. It is a contribution not only to the general literature on fascism, but to the rebuilding of scholarship in the country where fascism did its worst.

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The Detroit Murder Case

by David Cort

We hear much of the murderous American car driver, the 50,000 annual killings, the over 4 million injuries, and the figures rising at the rate of 25 percent in three years. Mr. Nader proposes that one does not blame the patient for the disease, and that the American driver has reformed about as much as he ever will. He thereupon swings us around for a long look at the American automobile, the disease itself.

Unsafe at Any Speed
by Ralph Nader
(Grossman; $5.95)

An item or two should alert us. Detroit takes the monolithic position that all the murder and mangling are simply none of its business. Furthermore, it fought tooth and nail to resist the introduction of those now-ordinary features, stop lights, windshield wipers, directional signals and safety glass. Its venerable policy has been to let ten years' casualties go into the ground before it sullenly yields to pressure to install another minor safety feature.

Automotive experts have commented on Detroit's cars, though for publication it is sacred procedure to omit the names of manufacturers and models. Nader changes all this.

The Chevrolet Corvair, 1959-1963 models, was "one of the nastiest handling cars ever built." Its unique trick on a turn at some speed was to tuck its wheels under (camber), to the point of scraping the roadway with the wheel rim. There is nothing for the car to do then but roll over, and the Corvairs did so, by the hundreds. Over a hundred suits were brought against General Motors; when the evidence got too close to the mark, GM quit and paid the $75,000. It knew all about the Corvair idiosyncrasy; the auto magazines reported it as a challenging foible; acces-

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sory manufacturers sold a "camber compensator" for Corvairs; yet year after year GM reissued it, to a total of 1,124,000 deadly cars.

The very popular Ford Mustang 1964 was "a hoked-up Falcon with inadequate brakes, poor handling, marvelous promotion." Mustang actually celebrated "the stylist's dream," the complete victory over the engineers and the buyers. The experts observed "new and startling engineering features carried over from 1910." The operational model had eight good safety features, every one of which was eliminated in the production model.

The 1965 full-sized Ford, or 30,000 of them, came out of the factory lacking a bracket on the rear suspension arm. In this case letters went out to the buyers, certainly not warning of disaster but gently urging installation of the bracket.

A certain number of the 1965 Plymouth Fury, Chrysler, and full-sized Dodge went out with a steering-gear bracket that needed rewelding. Chrysler cautiously tipped off the dealers. How many drivers died is not known.

The 1953 Buick Roadmaster had a habit of sucking the fluid out of the power brake unit and burning it up. Suddenly: NO BRAKES. Yet there were only two known court cases, and no publicity. And this one was a definitive killer: suddenly: NO BRAKES.

"If one were to attempt to produce a pedestrian-injuring mechanism, the most theoretically efficient design would closely approach that of the front end of some present-day automobiles." (Back to anonymity.) The razor-backed Cadillac tail fins also showed this sort of efficiency. These were abandoned, not in simple mercy, but for purely stylistic reasons.

Forward and reverse gear positions were almost identical, instead of being separated by the neutral position, on Cadillac, Buick, Oldsmobile, Pontiac, Studebaker and Rambler for ten years. This arrangement, once slightly cheaper to produce but ideally productive of accidents that could be blamed on the driver, was changed only in the 1966 models, under pressure.

"The condition of the 1965 cars . . . is about the worst, so far as sloppiness in production goes, in the whole ten-year stretch of deterioration that began in 1955" – first year when car sales approached 8 million. In the new cars anything can go bad – windows, door handles, distributor cap, speedometer needle, seat adjustors, ignition lock, door locks, leaking engine, gas gauge, directional signals, headlights, unaligned wheels, leaky roof, early metal fatigue, rusted hydraulic lines, stuck accelerator, hood latch, etc., and does.

Until the 1965 models, all mileage gauges (odometers) were made to register up to 5 percent high. This meant that warranties ran out 5 percent sooner, gas mileages looked 5 percent better, insurance rates rose sooner, trade-in value was less, and cars rented by mileage cost more. Cheating on this snide level throws a brilliant light into the secret soul of Detroit. It looks like a slum butcher leaning on the scales.

Of standard issue tires on new cars, "Many motorists are riding on a time bomb." Detroit, far more rabidly than Akron, opposes any objective safety standards for tires. Secretary of Commerce John Connor, former General Motors director, also thought things are fine as they are.

As for air pollution, car exhausts add to our breathing room every year 14 million tons of hydrocarbons, 75 million of carbon monoxide and 4 million of oxides of nitrogen. Of the carbon monoxide alone, 1,000 parts per million (ppm) kill, 120 ppm disable, and this latter condition is often found in Los Angeles and sometimes along the northeastern Atlantic coast, advancing lung cancer, emphysema and heart disease. In 1965 Detroit announced that all this was of no consequence. California forced Detroit to reform its exhausts in 1966 for California, in 1968 for the rest of us.

As if in summary of the above, the National Society of Professional Engineers' journal in 1963 said: "It would be hard to imagine anything on such a large scale that seems quite so badly engineered as the American automobile."

The statement was quite unfair. The American automobile is hardly engineered at all. It is styled. The stylists took over in the late 1930's, on the principle that the only selling assets are the visible ones (hence the brassière): The great retooling every year, which costs every buyer $700 extra for his car, is strictly for looks. Not for engineering. And least of all for safety. In 1963 General Motors offered 140 body styles and 843 trim combinations. In Detroit the engineer is a tiresome nuisance. And everybody who mentions safety is a Communist.

But surely America produces counterpowers to defend us against all these abominations. Yes, indeed, there is the Society of Automotive Engineers whose committees, top heavy with Detroit people, require unanimous approval of reports. The American Standards Association works on this same consensus system; for all its reassuring name, it is another Detroit rubber-stamp. The National Safety Council, the most hypocritical of them all, is subsidized and ruled by Detroit, conducts no safety research and parrots Detroit's anthem that it is all the driver's own fault. Its publications are subtle falsifications, and its compilation of accident statistics should be put immediately in more honorable hands. The Automotive Safety Foundation is a complete Detroit Charlie McCarthy, founded by Detroit and half financed by the Automobile Manufacturers Association. Its president, Joseph Mattson, seems to be the amiable Grey Eminence of the Washington anti-safety cabal. He appears to run the President's Committee for Traffic Safety (armored with all the President's prestige), dominated not by the President but by the Automotive Safety

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Foundation, stuffed with figureheads, and dedicated to keeping the President's executive branch away from car safety.

Under these smothering layers of inaction (all plainly labeled action) in a clear and present danger, there are occasional sad little revolts, as in the American Automobile Association in 1964, but they are soon squelched.

The insurance companies once took an interest in car safety, but now base their rates on the driver's record, not on the car model. However, they are thoroughly informed on car defects. Nader says they collect quietly from the manufacturers after paying off claims. Since their chief income derives from capital investment, they like lots of money coming in and prefer the high rates that result from accidents.

This consensus conspiracy against the American public is perfectly understandable. For one-fifth of all retail dollars spent, and one-seventh of all American workers, are involved with the automobile. Nader makes the nice point that the US is well along toward becoming a one-crop economy, like a banana republic. You just don't knock bananas, where bananas are king.

Mere by-products are the facts that of all transportation accidents 98 percent of injuries, 92 percent of deaths, are the automobile's, one-third of all those hospitalized for injuries are car victims, the leading cause of death between ages five and 30 is the automobile, and fatalities per accident are *now on the rise.*

Detroit's percentage of US production is certainly high, but its percentage of killing and maiming is much, much higher. And if you still don't believe anything is going on under the covers, consider this one fact. The airplane, with only 1,200 deaths, has a $50 million annual program of safety research. The automobile, with 50,000 deaths, has only an $8 million program.

The fact is that in one year traffic deaths could be cut in two or better. A properly engineered car interior need not kill anybody in a collision. A man can take 40 gravities without injury. Various research projects have proved out the case. But automobile executives, engineers and researchers are agreed that "the automobile is not in for any significant changes in the next two decades."

If the above depresses you, don't believe me. Read Mr. Nader. Then you'll feel terrible. And sometime after that something may begin to happen.

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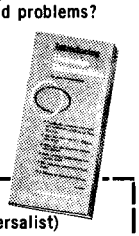

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ART

Out of Yugoslavia

At this date it should no longer surprise anyone that the art now being produced in Communist Yugoslavia is anything but what we commonly think of as Communist art. There was, apparently, a certain amount of socialist realism immediately following the war, but as far as one can make out that was an authentic, if passing, expression on the part of a generation of artists genuinely caught up in the finally successful effort – an effort, after all, of generations – to unite the country without foreign domination from any direction and without a hereditary monarchy. Tito's pioneering achievement in creating an East European socialist state that was not a satellite of Russia was followed at once by the coming into existence of a Yugoslav contemporary art, first known in this country for its prints. Gustave von Groschwitz and other print curators early exhibited the new Yugoslavian color lithography, while, back in the old country, Ljubljana became and remains to this day the principal international print fair of the world. The latter achievement may be compared to the political independence of the country: both manifest to a high degree the perception of a need and the possibility of filling it, followed by swift and decisive action to do so.

Yugoslavia: Contemporary Trends
Corcoran Gallery, Washington, through February 13
Fresno Arts Center, March 8
Denver Art Museum, April 25
Portland (Maine) Museum, August 14
Addison Gallery, Andover, October 10
Milwaukee Art Center, November 28.

Are there other political implications or echoes in contemporary Yugoslavian art? The opportunity to judge presents itself in a most interesting exhibition just opened in Washington and scheduled at five other American museums throughout the year. "Yugoslavia: Contemporary Trends: The Younger Generation" consists of 51 works by ten painters and four sculptors, selected last summer by Hermann Warner Williams, Jr., director of the Corcoran Gallery of Art, where the show is now. In Yugoslavia, or to Williams, the word "younger," in art, does not mean, as it does to us, 17 to 23. The youngest man around is 30, there are three past 50 and the mean seems to be the early forties. One result is that the show has no fashion-chasing of the kind associated with the American youth worship in art and elsewhere. Maybe they just don't have comic strips in Yugoslavia, though it seems unlikely, but at any rate they haven't turned up in art. If you wanted a political interpretation of that it would be not so much that socialist societies are more sober, less frivolous than ours, as simply that mod-

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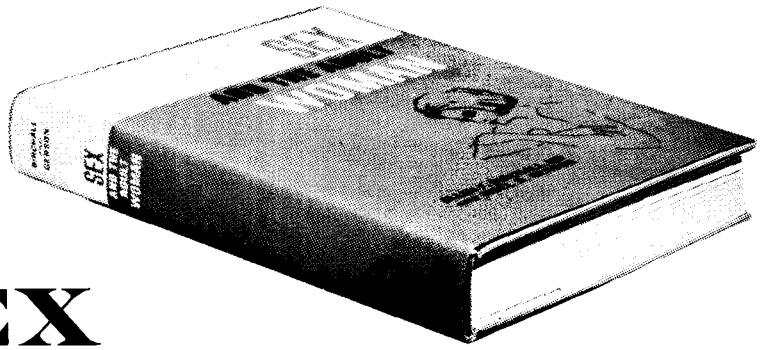

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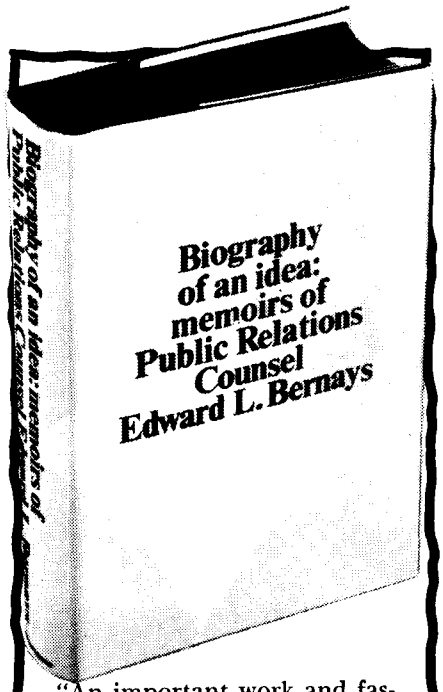
ern industrialization – Communist or capitalist – just hasn't been in business long enough and at high enough power in Yugoslavia to produce a class so leisured as to go Ooh, ooh, ooh, at nonsense presented as art, and without Ooh, ooh, ooh, Pop stops.

The Yugoslavian material is extremely varied. There is no dominant look. There is no mistaking one artist for another. The common notes are only two: the painting is all post-abstract-expressionism, the sculpture non-figurative; and, in every instance, save one, the artists are clearly interested in the world outside the studio, drawing upon it quite directly for sources, addressing it, not always so directly, upon aspects of itself rather than, as too often with us, upon aspects of Narcissus the artist.

The exception noted is Edo Murtic, who is a kind of Franz Kline with colors to augment the black and white strokes. Inasmuch as Franz Kline was himself, in his last years, a Franz Kline with color added, there is little to be gained from the Yugoslavian contribution to that particular way with paint.

The other painters more clearly relate to things other than the act of painting. Stojan Celic, who reminds you a little of Will Barnet at one time or other, paints very muted, washed clean space within which forms seem to be soaring or darting. The effect, somehow, is of early spring or late fall, a time of change with the sky full of birds and leaves new or old. Oton Gliha paints very thick over-all surfaces of predominantly gray in a predominantly low angle diagonal in relation to the rectangle of the frame. The thick gray is lightened with strokes of white here and there, with blues, and with contrasting verticals, or near verticals, of red, green, orange and yellow, in the thinnest of lines, hardly perceptible at first glance, yet finally revealing their own pattern of growth and thus giving order and relief to the striated gray. You confront, close-up, the textures and weights of granite outcroppings along the shore or in highlands, after many weathers, lichen-strewn, enduring.

Zlatko Prica paints endless swirls of small arcs and circles in bright colors swarming around and out of larger circles gathered in the center of canvases so divided as to suggest brilliant skies, sparkling water or rich land. The message, in however abstract terms, has



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to do with the joy of life, a theme inescapable in the energy and grace of movement of form and line, in the harmony of color.

There are two more or less figurative painters in the group, in the sense that they do employ the human figure or variants thereof. Mladen Srbinovic has one gorgeous painting called "Come Back to My Native Land," in which dark Icarus plunges down against a sky composed of luminous planes toward an earth of hard light and dark strips.

The other figure man is entirely different in mood. Vladimir Velickovic paints figures of scarecrows or executioners not so much abstracted as seen in a state of advanced decay. They come apart at the seams and the joints, yet they do not lose their pity and terror.

The sculpture, too, has achieved a method of communication with form, an achievement, to be sure, well within the boundaries of twentieth century sculpture. Dusan Dzamonja fabricates nails, point in, into swelling, organic shapes, occasionally, but not often, suggesting Moore's helmet heads and, even then, getting at something quite different from the material. There is no suggestion at all that the artist is pretty clever for thinking of nails. Rather, they just happen to be the material out of which to create a form smooth and mottled at the outside, full of dangerous points within.

But the most impressive single artist is the sculptor Vojin Bakic. He cuts disks out of huge single sheets of metal – copper brass or duraluminum, so that they can build and fold into structures of great loveliness. The dazzler of the show is his hanging mobile in duraluminum, a fine fall of shining disks, no slightly concave, no convex, full of reflections of the world, of light and color, of yourself.

FRANK GETLEIN

NOTES ON CONTRIBUTORS

Irving Howe's *newest book is* A World More Attractive. Edward Grossman *is an editor of* Harper's *magazine.* David Cort, *formerly an editor of* Time, *is the author of* Social Astonishments. Martin Tucker, *a member of the English faculty of Long Island University, was incorrectly identified when his essay appeared in the February 5 issue.*

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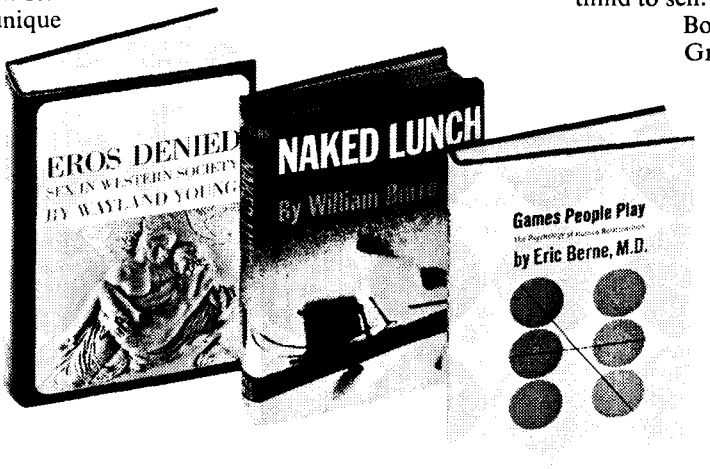

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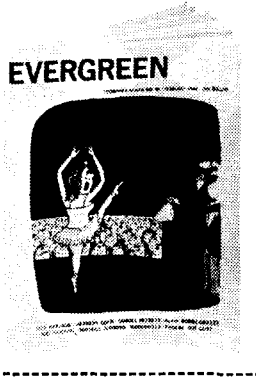

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Sirs:

May I as a lawyer who formerly practiced in Rhodesia comment, for the sake of accuracy, on two aspects of Mr. Howe's report of January 15 on Rhodesia. It is doubtful whether Smith could be tried in the United Kingdom under its Treasonable Felonies Act of 1848. The British Nationality Act of 1948 (Section 3) excepts British subjects of Southern Rhodesia from the operation of the UK penal statutes.

Ahrn Palley, mentioned as a possible Prime Minister, did win an African seat against African opponents in two elections. In both cases his African opponents were considered by the electorate to be "stooges" of the white parties. Both elections were overwhelmingly boycotted by the African voters, and in one case Palley won after polling less than 50 African votes. . . .

H. I. Shandling
Edmonton, Alberta

Poverty Is a State of Mind

Sirs:

The income subsidy scheme of Louis J. Walinsky ("LBJ's War at Home – The Economics of Escalation," January 15) . . . sees a culture of poverty solely in terms of dollars and cents, and gifts of broken toys.

Presumably if poverty were only a question of money, then the receivers of minimal welfare checks would not be lined up outside of the liquor store (which has stayed open extra late on "pay day"), and receivers of low-income housing would not be urinating in the elevators. But poverty is a state of mind; reformers of poverty ideally would like to see the problem *eradicated* in this country, and not just covered over with $6,000 a year. For this, job training, relocation, and social work is necessary. Walinsky's method . . . would tend to lull Americans further into the complacency and self-righteousness to which they are accustomed in cases like this.

Roger P. Harman
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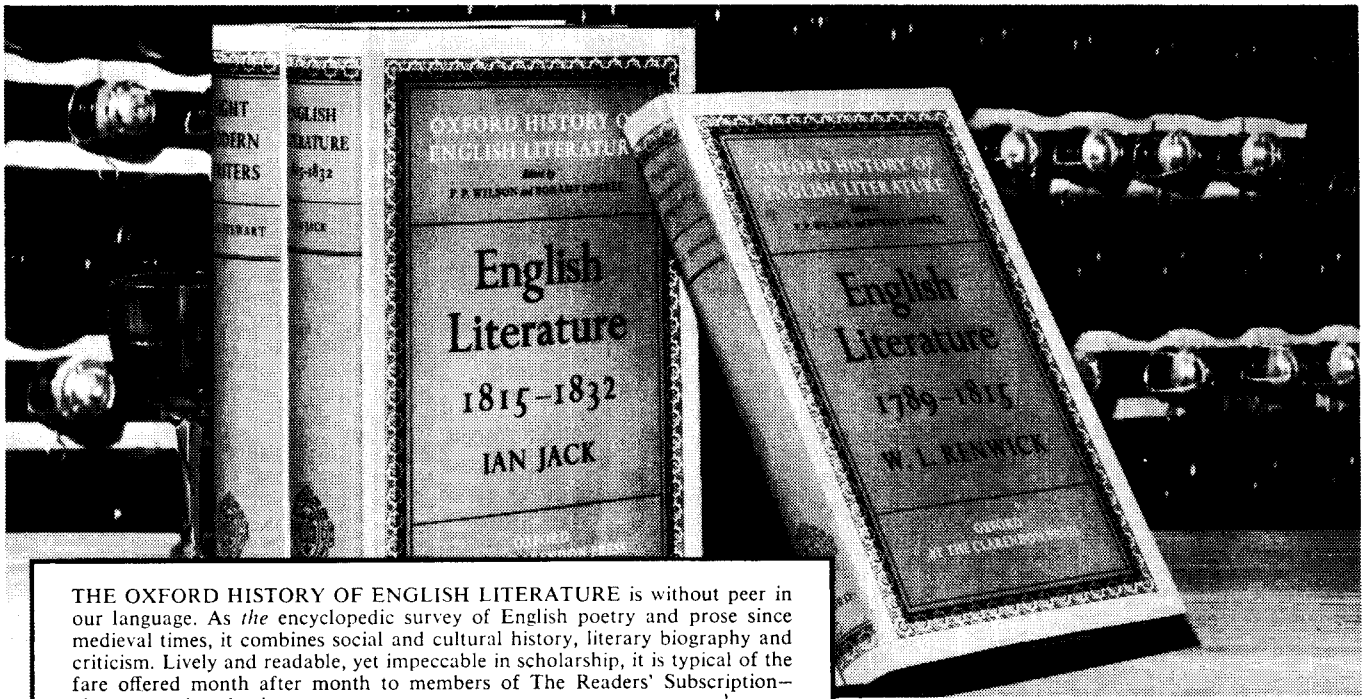

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